IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

CIVIL WRITS No. 3037 of 2004

CHANDU RAM
V/S
A.U.P. OF WAGS ACT & ANR.

Mr. VIJAY MEHTA, for the appellant / petitioner

Date of Order : 6.10.2004

HON'BLE SHRI N P GUPTA,J.

ORDER

Heard learned counsel for the petitioner.

By this petition, the petitioner seeks to assail the order of authority under the Payment of Wages Act dated 28.2.2004, being Annex.6. By this order Annex.6, applications of employee dated 24.4.01 and 19.6.2001 were allowed and in compliance of the order dated 7.2.2001, order of the authority dated 11.1.99 was deemed to have been set aside, and order for recovery in accordance with order dated 9.10.1995 was issued.

It is contended by learned counsel for the petitioner that vide order dated 7.2.2001, this court set aside the exparte proceedings, subject to payment of Rs. 5000/- as cost, to be paid within a period of eight weeks, and that the amount has been paid by the petitioner though on 28.5.2001, notwithstanding that, the order impugned has been passed.

I have considered the submission. As appears from the averments of the writ petition that the proceedings before the payment of wages authority were decided by respondent no.2 against the petitioner vide order dated 9.10.1995 exparte, which exparte order was set aside vide order dated 11.1.99. This order of 11.1.99 was challenged

by the employee before this court by way of writ petition no. 849/99. According to para no.4 of the writ petition, aforementioned writ petition 849/99 was decided along with another writ petition 850/99 by a common order dated 7.2.01, but then it is not clear as to what was the controversy in writ petition no. 850/99, and that fact was not clarified by the petitioner either. Be that as it may. It further appears from the averments that by order dated 7.2.2001, the present petitioner was directed to pay amount of Rs. 5000/- within a period of eight weeks to the employee, and in case he does so, the authority was directed to decide the matter afresh, and proceed with the matter expeditiously. It is also mentioned in para no.4, that it was further mentioned in the order dt. 7.2.01, that in case, amount is not paid to the respondent no.2, the order dated 11.1.99 shall be deemed to have been set aside.

Admittedly, amount was not paid within stipulated time, nor any extension of time was sought from this court by the petitioner. In that view of the matter, the per-emptry part of the order dated 7.2.2001 clearly sprung into action, and this is what has been done by learned court below.

In such circumstances, I do not find any sufficient ground to interfere with the order impugned. The writ petition is, therefore, dismissed summarily.

(N P GUPTA),J.

/Srawat/